

# EXHIBIT 3

## FOIA EMAIL CORRESPONDENCE WITH DOL



Yawen Hsiao &lt;yawen@hawaii.edu&gt;

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**Re: 865938**

1 message

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**Yawen Hsiao** <yawen@hawaii.edu>

Wed, Jan 30, 2019 at 11:34 AM

To: "Hicks, Thomas - SOL" &lt;Hicks.Thomas@dol.gov&gt;

Cc: "Karamoko, Arginia - SOL" &lt;Karamoko.Arginia@dol.gov&gt;, "March, Candy A - OASAM BOC" &lt;March.Candy.A@dol.gov&gt;, "Gonzales-Magrath, Danielle - OASAM HRC" &lt;Gonzales-Magrath.Danielle@dol.gov&gt;, Ya-wen Hsiao &lt;yawen@hawaii.edu&gt;

Hi, Mr. Hicks,

Thank you for your quick response.

I will await Ms. March or Ms. Gonzales response to this email thread as I have not received this letter nor any records.

If the records were indeed sent and was sent by first class mail. It most likely has been lost since it has been more than 2 weeks.

If so, please send the records through expedited and traceable means and I will be happy to pay for the shipping and handling costs associated with this.

I also note that this letter that you attached to your email, from Ms Gonzales was not dated.

OASAM has been included in this response so they can respond directly to me.

Thank you.  
Yawen

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On Wed, Jan 30, 2019 at 10:35 AM Hicks, Thomas - SOL <[Hicks.Thomas@dol.gov](mailto:Hicks.Thomas@dol.gov)> wrote:

Hello,

I have included OASAM personnel in this response. The attached letter was entered into SIMS-FOIA on Jan. 8, 2019 and the letter indicates that documents were enclosed with the response letter. OASAM will send another letter with the responsive records.

**Thomas G. Hicks, Sr., ESQ.**

U.S. Department of Labor

Office of the Solicitor

200 Constitution, Ave. N.W.

Room N2434

Washington, D.C. 20210

(202) 693-5427

[hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov)

**From:** Yawen Hsiao <[yawen@hawaii.edu](mailto:yawen@hawaii.edu)>

**Sent:** Wednesday, January 30, 2019 3:17 PM

**To:** March, Candy A - OASAM BOC <[March.Candy.A@dol.gov](mailto:March.Candy.A@dol.gov)>

**Cc:** Karamoko, Arginia - SOL <[Karamoko.Arginia@DOL.GOV](mailto:Karamoko.Arginia@DOL.GOV)>; Hicks, Thomas - SOL <[Hicks.Thomas@dol.gov](mailto:Hicks.Thomas@dol.gov)>

**Subject:** Re: 865938

Dear Ms. March,

My name is Ya-Wen Hsiao and I have a FOIA request that was sent on August 22, 2018 which has a tracking number of 865938.

You spoke with my husband on January 10, 2019 at around 9:45AM HST and informed him that it was completed and released completely on January 8, 2019. It was also mentioned that the date of completion on the FOIA tracking system was incorrect and that you would email the person responsible to reflect the correct date on the DOL FOIA tracking website.

As promised, we would be patient in receiving the documents. As of today, January 30, 2019, we have not received the documents that were released. Also, the FOIA tracking information still reflects the incorrect date. I am writing this email to follow up as to the status of these.

Is there a tracking number for USPS/UPS/FedEx associated with this? If so, could you kindly provide this to ascertain what happened to the package?

I am also cc-ing Arginia Karamoko and Thomas Hicks on this email as they are the DOL FOIA Liaisons.

I hope that everyone is safe and well with the polar vortex affecting most of you.

Aloha

Yawen

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On Tue, Dec 4, 2018 at 9:21 AM Yawen Hsiao <[yawen@hawaii.edu](mailto:yawen@hawaii.edu)> wrote:

Hi, Mr. Hicks and Ms. Karamoko,

It has been one week since my last email requesting my matter be escalated.

There has been no response nor any acknowledgement regarding my request as of today.

The email did not return any bounce back notification hence I assume that it was received in order

Are there any updates on both the request to escalate or on the FOIA request as well?

Please confirm receipt of this email.

I would also like to know the name and mailing address of the person in-charge.

Thank you.

Yawen

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On Tue, Nov 27, 2018 at 7:44 AM Yawen Hsiao <[yawen@hawaii.edu](mailto:yawen@hawaii.edu)> wrote:

Hello Ms. Karamoko and Mr. Hicks,

I am again, following up on my request that was sent on August 22, 2018.

It has been almost 100 days from when I sent this request. And about 66 business days.

I would like this matter to be escalated immediately to whoever is in charge.

As of today, we have not received any correspondence from OASAM. We got in touch with Candy March and got the same answer that "it is being processed" but have not heard back.

It is important to note that DOL FOIA regulations wherein even in "unusual circumstances", requires the component to notify me in writing.

And even if there are "unusual circumstances", the notice must be made in 20 days.

Please refer to the timeline in the last email sent to Mr. Hicks and you.

I am taking this as a sign of bad faith of the part of OASAM or whoever is supposed to be processing this.

Again, this is a request to escalate this matter to your supervisor/director.

I would like to request a response to this matter in a expeditious manner.

Thank you

Yawen

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On Thu, Nov 15, 2018 at 9:52 AM Yawen Hsiao <[yawen@hawaii.edu](mailto:yawen@hawaii.edu)> wrote:

Mr. Hicks,

Thank you for responding and following up on this.

It is appreciated.

Yawen

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On Wed, Nov 14, 2018 at 6:27 AM Hicks, Thomas - SOL <[Hicks.Thomas@dol.gov](mailto:Hicks.Thomas@dol.gov)> wrote:

OASAM has informed me that they are processing your FOIA request and plans to forward responsive records within the next week.

**Thomas G. Hicks, Sr., ESQ.**

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[hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov)

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**From:** Hicks, Thomas - SOL

**Sent:** Tuesday, November 13, 2018 8:19 PM

**To:** 'Yawen Hsiao' <[yawen@hawaii.edu](mailto:yawen@hawaii.edu)>; Karamoko, Arginia - SOL  
<[Karamoko.Arginia@dol.gov](mailto:Karamoko.Arginia@dol.gov)>

**Subject:** RE: 865938

Hello,



Your FOIA request has been assigned to OALJ. OALJ provided a partial response on October 3, 2018 and requested that the FOIA request also be assigned to OASAM. On October 3, 2018, your FOIA request was assigned to OASAM.

On a recent phone call, the requester (your husband) indicated that he had not received a response from the Dept of Labor. Which was not correct. At that time, a response had already been processed by OALJ. He (your husband) confirm after I reviewed our database that a response was processed by OALJ. I did not state he was lying, but it was incorrect for him to indicate that he had not received a response from the Dept of Labor. After our conversation, I inquired to OASAM on October 31 and November 5, to determine that status of their response.

**Thomas G. Hicks, Sr., ESQ**

**FOIA PUBLIC LIAISON.**

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[hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov)

**From:** Yawen Hsiao <[yawen@hawaii.edu](mailto:yawen@hawaii.edu)>

**Sent:** Tuesday, November 13, 2018 7:56 PM

**To:** Karamoko, Arginia - SOL <[Karamoko.Arginia@DOL.GOV](mailto:Karamoko.Arginia@DOL.GOV)>

**Cc:** [Kate.OScannlain@dol.gov](mailto:Kate.OScannlain@dol.gov); Hicks, Thomas - SOL <[Hicks.Thomas@dol.gov](mailto:Hicks.Thomas@dol.gov)>

**Subject:** Re: 865938

Hello Arginia,

I am writing in regards to my FOIA request tracking number 865938.

On August 22, 2018, I sent a FOIA request through email.

On September 17, 2018, OALJ sent correspondence stating that they have received the request on September 7, 2018 and is coordinating with the Office of the Assistant Secretary for

Administration and Management (OASAM) with regards to the records we are requesting.

OALJ completed the request on Oct 3, 2018 and I have received the responsive documents from OALJ on or around October 10, 2018.

On the DOL FOIA tracking portal, OASAM has indicated that the "Date to Completion" was slated to be Oct 31, 2018

Between Oct 31, 2018 and today, my husband and I have tried numerous times to reach out to your department to follow up on the status of this FOIA request.

You have been personally courteous and gracious in our interactions with you, and we appreciate that.

My husband spoke with Mr. Thomas Hicks on November 5, 2018. In that 2 minute phone call he has indicated to me that Mr. Hicks was less than professional in his conversation with him, implying that he lied in his voicemail to him and told him that "Facts Matter" because my husband had mentioned that "no one has gotten back to us" with regards to the FOIA request. He then in a very abusive tone chastised him in following up because the request was a "recent request". The FACT is, my husband spoke with him on October 31, 2018 at 8AM Hawaii time, during this time, my husband has already informed him that OALJ has responded and completed their part of the request. So to accuse him of lying is extremely offensive and inappropriate. At the end of the October 31, 2018 conversation he confirmed my email address and said he would follow up and email me an update.

I write this email to formally follow up with this request.

In several phone conversations, you and Mr. Hicks indicated that OASAM only received the request on or around Oct 7, 2018. How can this be possible when the last letter from OALJ states that they received the request on September 7, 2018? It is also important to note that we did track the request through the portal prior to the month of October and at the end of September, the portal already has indicated that the estimated date to completion from OASAM was October 31, 2018.

It has been more than 82 calendar days and more than 50 business days since the initial request and we have not received any correspondence or notice from OASAM with regards to the FOIA request.

We do realize that your department is a liason and the responsible office is the OASAM to respond. But, to date, we have no correspondence or indication as to who is the responsible

person for fulfilling this already unreasonably delayed FOIA request.

We have tried our best to be professional and courteous in all our interactions with your department. We have followed up numerous times and attempted to call without anyone picking up every single phone line. It is disappointing that the "Public Liason" officer can be this unprofessional and abusive.

I look forward to your office addressing these issues as soon as possible.

Thank you.

Yawen

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On Fri, Sep 21, 2018 at 7:30 AM Yawen Hsiao <[yawen@hawaii.edu](mailto:yawen@hawaii.edu)> wrote:

Hi, Arginia,

Thank you so much for forwarding the letter via email.

I sincerely appreciate your kind assistance.

Have a great weekend and warm Aloha

Yawen

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On Fri, Sep 21, 2018 at 7:17 AM Karamoko, Arginia - SOL <[Karamoko.Arginia@dol.gov](mailto:Karamoko.Arginia@dol.gov)> wrote:

Hello,

Per our conversation, please see the attached letter from OALJ.

**Arginia Karamoko**

Government Information Specialist, Office of Information Services

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